

# EXHIBIT A

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

Norma Vogel, by Next Friend,

Karen J. Isbell, Natural Daughter

and under Power of Attorney

CIVIL ACTION  
NUMBER: 17C05821-1

PLAINTIFF

VS.

Southwest Airlines Co. and

Prospect Airport Services, Inc.

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT: Prospect Airport Services, Inc. c/o its registered agent, Ms. Vicki L. Strobel

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

William P. Evans, Esq.  
Evans, Scholz, Williams & Warncke, LLC  
3490 Piedmont Rd., N.E.  
Suite 1200  
Atlanta, GA 30305

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 30th day of May, 2018.

Richard T. Alexander, Jr.,  
Clerk of State Court

By

[Signature]  
Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

SC-1 Rev. 2011

Delivered  
6/18/18  
via Police  
officer

IN THE STATE COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

FILED IN OFFICE  
CLERK STATE COURT  
GWINNETT COUNTY GA

2018 MAY 30 AM 8:38

NORMA VOGEL, by Next Friend,  
KAREN J. ISBELL, natural daughter  
and under Power of Attorney,

Plaintiff,

v.

SOUTHWEST AIRLINES CO.  
and PROSPECT AIRPORT SERVICES,  
INC.

Defendants.

CIVIL ACTION FILE NO.  
17C05821-1

**PLAINTIFF'S AMENDED COMPLAINT FOR DAMAGES**

COMES NOW, Norma Vogel, b/n/f. Karen J. Isbell, natural daughter, and under Power of Attorney, Plaintiff in the above-captioned action, and for her Amended Complaint against the Defendants, Southwest Airlines Co. and Prospect Airport Services, Inc., shows the Court and Jury the following facts, to wit:

**PARTIES AND JURISDICTION**

1.

Plaintiff brings this action for personal injuries.

2.

Plaintiff, Norma Vogel, is an individual and citizen of the state of Missouri.

3.

Plaintiff, Norma Vogel, is eighty-one (81) years of age and is wheelchair-bound.

4.

Karen J. Isbell is the natural daughter of Norma Vogel appears and acts for her mother under

Power of Attorney.

5.

Defendant, Southwest Airlines Co. ("Defendant" or "Southwest"), is a corporation organized under the law of the State of Texas which is authorized to transact business in the State of Georgia and is subject to the jurisdiction of this Court. Southwest Airlines Co. may be served with process by and through its registered agent for service of process, Corporation Service Company, whose office is located at 40 Technology Parkway South, Suite 300, Norcross, Gwinnett County, Georgia 30092.

6.

Defendant, Prospect Airport Services, Inc. ("Defendant" or "Prospect"), is a corporation organized under the law of the State of Illinois which has employees in and transacts business in the State of Georgia and is subject to the jurisdiction of this Court. Prospect Airport Services, may be served by second original through its registered agent for service of process, Ms. Vicki L. Strobel, 2130 S Wolf Road, Des Plaines, Illinois 60018.

7.

That by Order of this Court dated May 21, 2018 Plaintiff's Motion was Granted allowing the Plaintiff to add Prospect Airport Services, Inc., as a party Defendant in this case.

#### VENUE

8.

Venue is proper in this Court pursuant to Art. 6, Sec. 2, Paras, 3 and 4 of the Constitution of the State of Georgia, and O.C.G.A. § 14-2-510.

## **FACTUAL ALLEGATIONS**

9.

At all times material herein, certain employees and agents of the Defendant, Southwest, were acting as the agents, servants, and employees of Defendant, Southwest, and said individuals were acting within the scope of such employment, and in the furtherance of the business of the Defendant, Southwest.

10.

At all times material herein, certain employees and agents of the Defendant, Prospect, were acting as the agents, servants, and employees of Defendant, Prospect, and said individuals were acting within the scope of such employment, and in the furtherance of the business of the Defendant, Prospect.

11.

On January 1, 2017 Plaintiff, Normal Vogel, was traveling on Southwest Airlines from Jacksonville International Airport in Jacksonville, Florida to Hartsfield-Jackson Atlanta International Airport in Atlanta, Georgia and then on a connecting Southwest flight from Hartsfield-Jackson Atlanta International Airport to Kansas City International Airport.

12.

That, at all times material herein, Southwest may have contracted its duties to transport Southwest passengers within the Hartsfield-Jackson Atlanta International Airport in Atlanta, Georgia to Defendant, Prospect.

13.

Prior to boarding the Southwest flight in Jacksonville Plaintiff was required by Southwest

personnel to check Plaintiff's wheelchair into baggage through to Kansas City. Plaintiff was assured by Southwest personnel that she would be met at the Atlanta arrival gate by Southwest and/or Prospect personnel and safely transported by Southwest and/or Prospect personnel, using a Southwest and/or Prospect provided wheelchair, to the Southwest departure gate for the flight to Kansas City from Atlanta.

14.

At the time of the subject injury, Plaintiff was exercising reasonable care for her own safety, and was relying on Southwest and Prospect personnel to safely transport her in the Southwest and/or Prospect wheelchair from the Southwest arrival gate to the Southwest departure gate.

15.

Southwest and Prospect had and have non-delegable duties to keep their passengers and premises safe for business invitees such as Plaintiff. Further, Southwest and Prospect, as common carriers of passengers, are bound under Georgia law to exercise the highest degree of care, foresight, prudence and extraordinary diligence to protect the lives and persons of their passengers, such as the Plaintiff in this case, Ms. Vogel.

16.

Southwest and Prospect had actual or constructive knowledge of the operation and requirements of the Southwest and/or Prospect wheelchair that Southwest and/or Prospect employees attempted to place the Plaintiff into, and the danger the Southwest and/or Prospect wheelchair posed to Southwest travelers, such as the Plaintiff in this case, Ms. Vogel. Southwest and Southwest's employees and agents and Prospect and Prospect employees and agents accepted the duty and responsibility to carefully and safely transport the Plaintiff, Norma Vogel.

### **NEGLIGENCE**

17.

After arriving at the Hartsfield-Jackson Atlanta International Airport, Southwest Airlines personnel and/or Prospect personnel, using a Southwest and/or Prospect provided wheelchair, attempted to place Plaintiff, Norma Vogel, into a wheelchair and transport the Plaintiff, Norma Vogel, from the Southwest arrival gate to the Southwest departure gate.

18.

That Southwest Airlines personnel and/or Prospect personnel, using the Southwest and/or Prospect provided wheelchair, were negligent in attempting to place Plaintiff, Norma Vogel, into the Southwest and/or Prospect provided wheelchair; were negligent in attempting to secure Norma Vogel into the wheelchair; and were negligent in beginning to push the wheelchair before Plaintiff, Norma Vogel's legs were properly and safely secured into the wheelchair.

19.

Southwest and Prospect violated the duties set forth herein, and were negligent in failing to keep the premises safe for its business patrons and common carrier passengers. Southwest and Prospect and/or its contractors and agents were negligent in failing to warn of the danger posed by the wheelchair provided by the Defendants, Southwest and/or Prospect. The negligence of Southwest and its agents and employees, and Prospect and its agents and employees, as set forth herein, was the proximate cause of the serious injuries sustained by the Plaintiff in this incident.

20.

Southwest and/or its employees and agents were negligent in selecting Prospect as a contractor

for transport of Southwest passengers such as the Plaintiff. Further, Southwest was negligent in failing to train, supervise and inspect the work performed by Prospect and Prospects employees and agents.

21.

Southwest, as the contracting party with Prospect, is vicariously liable for the negligent acts and omissions to act of Prospect and Prospect employees.

22.

As a direct and proximate result of the negligent acts or failures to act of the Defendants, Southwest and Prospect, Plaintiff, Norma Vogel, sustained serious injuries including, but not limited to, fractures to her right distal femur and proximal femur.

23.

As the sole and proximate result of the Plaintiff's injuries, caused by the Defendants, Southwest and Prospect's negligence, the Plaintiff has incurred, is presently incurring, and will continue to incur in the future medical expenses for doctors, hospital, surgical, and other medical care and treatment.

24.

Plaintiff, Norma Vogel, shows as a direct result of the injuries sustained due to the Defendants, Southwest and Prospect's negligence, the Plaintiff has incurred, is presently incurring, and will continue to incur in the future great physical and mental pain and suffering, which she will continue to suffer from for the rest of her life.

25.

Plaintiff shows as a result of the injuries sustained due to the Defendants, Southwest and



Prospect's negligence, the Plaintiff has sustained a permanent injury which will permanently restrict her to a certain degree for the rest of her life.

26.

For the reasons set forth above, Plaintiff, Norma Vogel, is entitled to recover all damages provided by law for Southwest and Prospect's negligence in failing to safely and securely transport Plaintiff, Norma Vogel.

WHEREFORE, Plaintiff prays:

- (a) That process issue as provided by law;
- (b) That Plaintiff, Norma Vogel, recover special and general damages in an amount to be determined by the enlightened conscience of a fair and impartial jury against all Defendants in this case;
- (c) That Plaintiff, Norma Vogel, be awarded her expenses of litigation, including attorney's fees and costs of litigation, against all Defendants in this case;
- (d) That this Court grant such other and further relief as the Court deems proper and just.

PLAINTIFF DEMANDS A TRIAL BY JURY ON ALL ISSUES APPROPRIATE FOR JURY RESOLUTION.

This 30th day of May, 2018.

EVANS, SCHOLZ, WILLIAMS & WARNCKE, LLC

A handwritten signature in dark ink, appearing to be 'W. P. Evans', written over a horizontal line.

WILLIAM P. EVANS

Georgia Bar No. 252925

DOUGLAS M. ROBINSON

Georgia Bar No. 610100

Attorneys for Plaintiff

3490 Piedmont Road, N.E.

Suite 1200

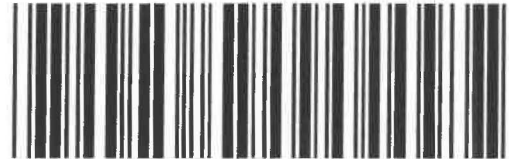
Atlanta, Georgia 30305

(404) 841-9400

[wpe@esww-law.com](mailto:wpe@esww-law.com)

[drobinson@esww-law.com](mailto:drobinson@esww-law.com)

H:\WPE\Vogel-N\Amended Complaint (05-30-18).wpd



\*630929\*

**Deadline:**

Received: 06/15/2018

Filing Date:

Due Date:

Documents: SUMMONS AND PLAINTIFF'S AMENDED COMPLAINT FOR DAMAGES

Recipient:

**Prospect Airport Services Inc. c/o Registered Agent Vicki L. Strobel**  
**2130 S Wolf Road ,Des Plaines, IL60018 - Type: NOT APPLICABLE**  
**COOK**

**SPECIAL INSTRUCTIONS:\*\*\*\*\*SERVE ATTACHED\*\* PLEASE MAKE SURE PROCESS  
SERVER IS AUTHORIZED TO SERVE IN IL AND STATE THAT ON THE AFFIDAVIT  
OF SERVICE\*\*\*\*\***

**Serving Prospect Airport Services Inc. c/o itâ s Registered Agent Vicki L. Strobel based on  
the long arm statute.**

**DILIGENCE**

Date	Time	Info
_____	_____	_____
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SERVED: \_\_\_\_\_  
Investigations f/k/a Courthouse Courier

Time: \_\_\_\_\_ am / pm

Server: IL-Chicago-Nationwide

☐ Personal ☐ Abode ☐ Corporate ☐ Other

Served at: Addr1 Addr2 New Addr: \_\_\_\_\_

Person left with / Served on: \_\_\_\_\_ Relationship/Title: \_\_\_\_\_

**Description of the Person Served.**

Sex: \_\_\_\_\_ Race: \_\_\_\_\_ Hair: \_\_\_\_\_ Age: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_

Other Desc: \_\_\_\_\_

Remarks: \_\_\_\_\_

LawFirm: Evans Scholz, Williams & Warneke  
LawFirmFileNo: Vogel 9924-001  
Requestor: Michelle Foster  
3490 Piedmont Road #1200  
Atlanta, GA30305  
Ph: 404-841-9400 -- Fax: 404-841-9393  
Court: IN THE STATE COURT OF GWINNETT COUNTY - STATE OF GEORGIA  
Docket/Case#: 17C05821-1  
Plaintiff: NORMA VOGEL, BY NEXT FRIENDS, KAREN J. ISBELL, NATURAL DAUGHTER AND UNDER

**POWER OF ATTORNEY**

**Defendant: SOUTHWEST AIRLINES CO. AND PROSPECT AIRPORT SERVICES, INC.**